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SAMMART FASHION CO. LTD.	:	UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK
	:	Case No. 07 CV 4035
Plaintiff,	:	JUDGE BATTIS
v.	:	
	:	AFFIDAVIT IN OPPOSITION TO
WEAR ME APPAREL CORP. d/b/a KIDS	:	DEFENDANT HEYMAN
HEADQUARTERS and HEYMAN	:	CORPORATION'S MOTION TO
CORPORATION,	:	DISMISS FOR LACK
	:	OF JURISDICTION
Defendant,	:	

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COUNTRY OF HONG KONG :  
SPECIAL ADMINISTRATIVE REGION  
OF PEOPLES REPUBLIC OF CHINA :

1. I, Dora Tong, am the Executive Director of the plaintiff, and am fully familiar with the facts of this litigation. This affidavit is submitted in opposition to defendant

Heyman Corporation's notice of motion to dismiss for lack of jurisdiction.

2. Defendant claims it has no ties or contacts to the State of New York, and has not conducted business there. This is simply not true. Annexed hereto as Exhibit "A" are emails Plaintiff received from the defendant Heyman. From these emails, it is clear that Heyman conducted meetings in New York. Heyman requested plaintiff to send samples to Heyman's New York showroom. Heyman provided plaintiff with addresses in New York for delivery of product.

3. Further, the defendant Heyman had meetings with buyers and customers of the defendant, Heyman, in New York city. For defendant Heyman, and in particular Larry Heyman, in his Affidavit to claim that Heyman did not transact business in New York is simply not true.

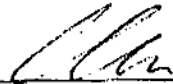
4. The attached emails are examples of Heyman's ties to New York, and I do not believe defendant Heyman's meetings and activities in New York are limited to the attached emails and events. Defendant Heyman is in the clothing industry and to claim they do not transact business in New York, the garment capital of the world, is untrue.

5. Further, defendant Heyman is a party to an Asset Purchase Agreement, which is the subject of this litigation, with defendant Wear Me Apparel. Wear Me Apparel is a New York corporation. Clearly, entering into a contract with a New York corporation to sell assets amounts to additional contacts with New York State.

6. For the defendant to state that it has no contacts with the State of New York is factual untrue. Defendant Heyman clearly had substantial contacts with New York State.

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It stated to Plaintiff that it maintained offices herein, entered contracts herein, and had employees herein. As such, defendant's motion should be denied.

  
DORA TONG

SWORN AND SUBSCRIBED TO  
before me this 7 day of  
February, 2008.



ALBERT H.P. LIANG  
BARRISTER & SOLICITOR  
80 ACADIA AVENUE #104  
MARKHAM ONTARIO L3R 9V1  
TEL: 905-513-9022

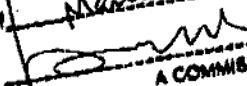
This is Exhibit 'A' referred to in the  
affidavit of Dura Tone  
sworn before me, this 15  
day of March 18 2008  
  
A COMMISSIONER, ETC.

EXHIBIT "A"

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**From:** Dawn Ziegler [Dawn@heymancorp.com]  
**Sent:** Thursday, May 28, 2005 9:38 AM  
**To:** Sam Tong  
**Cc:** ann buckingham; Mao Wan; Miranda Tang  
**Subject:** Re: OEM-132923 SCB Samples 2nd Delivery

Hi Sam,

Noted, we will not be able to rearrange the meeting with the accounts as they already have their plane tickets and planned to be in New York for this already. As long as we can have a few samples from boy and girl 2nd delivery to represent the line here by Monday that would be ok. I just need to be able to show something from this delivery to the buyers. I will advise Miranda after I receive her e-mail. Thanks!

Best regards,  
Dawn

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From: Judith Malamud (judith@heymancorp.com)  
Sent: Thursday, January 20, 2006 5:05 PM  
To: FION WONG  
Co: MAC WAN; SAM@sammart.com.hk  
Subject: RE: OEM-123286 COSTCO FALL 05 PETER RABBIT

FION,

NOTED THE STYLES THAT YOU WILL BE SENDING ON 1/24 AND THAT THEY WILL HAVE THE EMBROIDERIES ATTACHED NOT ON THE GARMENTS. CONFIRM IF YOU RECEIVE SAMPLES ON 1/26 YOU CAN SEND THEM DIRECTLY TO THE NEW YORK SHOWROOM. THE ADDRESS IS AS FOLLOWS:

HEYMAN CORPORATION  
131 WEST 33RD STREET - SUITE 901  
NEW YORK, NEW YORK 10001  
ATTN: KAY DUNNIGAN/LISA O'HARA

PLEASE LET ME KNOW WHAT YOU ARE SENDING AND WHEN SO THAT I CAN TELL THEM A PACKAGE IS COMING DIRECTLY FROM YOU.

BEST REGARDS,  
JUDY

Judith Malamud  
Product Manager  
Heyman Corporation  
Phone (847) 573 6094  
Fax (847) 247 8900  
judith@heymancorp.com

>>> FION WONG <FION@sammart.com.hk> 1/20/05 6:05:00 AM >>>  
SAMMART FASHION CO., LTD.

TO : HEYMAN  
ATTN : JUDITH  
FROM : FION  
DATE : JAN 20, 05  
REF# : OEM-123286

RE: COSTCO PETER RABBIT FALL 2005 - GIRL PANT SET

CONFIRMED WE WILL SEND YOU S/SPL OF #46634/37/41/42/45/46 TO YOU ON 1/24 AND BAL GIRL PANT SET STYLES WILL BE SENT OUT ON 1/31. WE WILL ADV FEDEX# FOR YR TRACKING PURPOSE ONCE AVAILABLE. WE WOULD LIKE TO INFORM YOU THAT OUR FACTORIES WILL NOT DO THESE SPL WITH PRINT & EMB DUE TO THE TIMEFRAME, BUT WE WILL STICK THE EMB & PRINT SWATCHES ONTO THE SAMPLES FOR YOUR

JUST IN CASE, IF WE WILL REC SOME OF THE REMAINING S/SPLS FROM  
FACTORIES ON  
1/25-26, THEN CAN WE SEND THESE SPLS TO THE SHOW ROOM IN NEW YORK  
DIRECTLY?  
IF NEEDED, PLS ADV ADDRESS & CONTACT PERSON OVERNIGHT WITH TKS:

TODAY, WE SENT THE FOLLOWINGS TO YOU UNDER FEDEX# 8506-4499-7569:

- A) LAB DIPS
- VELVETEEN IN PINK BAMBOO COLOR (A TO D) FOR #46642.
  - VELVETEEN IN BABY BLONDE COLOR (A TO D) FOR #46642.
  - VELVETEEN IN FIRST LIGHT COLOR (A TO E) FOR #46640.
  - FRENCH TERRY IN MUSCARI COLOR (A TO D) FOR #46639.

- B) S/SPLS (@2 UNITS IN 6 MOS)
- 46651 DRESS WITH DIAPER COVER
  - 46647 DRESS WITH DIAPER COVER
  - 46648 DRESS WITH DIAPER COVER
  - 46652 DRESS WITH DIAPER COVER
  - 46655 DRESS WITH DIAPER COVER
  - 46657 DRESS WITH DIAPER COVER
  - 46630 BOY PANT SET
  - 46623 BOY PANT SET

B.RGDS,  
FION

CC: SAM TONG & MAC

----- Original Message from judith@heymancorp.com (Judith Malamud) at  
1/20/2005 4:00 am

>FION,

>

>RE: GIRL PANT SETS

>ACCORDING TO THE EMAIL I RECEIVED YESTERDAY FROM SAM (OEM-123179)

>STYLES 46634/37/42/41/46/45 WILL BE SENT TO ME ON 1/24. PLEASE  
CONFIRM.

>

>BEST REGARDS,

>JUDY

>

>Judith Malamud

>Product Manager

>Heyman Corporation

>Phone (847) 573 6094

>Fax (847) 247 8900

>judith@heymancorp.com

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**From:** Judith Malamud [judith@heymancorp.com]  
**Sent:** Monday, January 17, 2006 4:50 PM  
**To:** SAM@sammart.com.hk  
**Cc:** FION WONG; MAC WAN  
**Subject:** COSTCO FALL 2005 PETER RABBIT SAMPLES

**\*\* High Priority \*\***

Hi Sam,

I spoke to the sales rep handling the Costco account today. She was very upset to hear that we may not have girl pant set samples. She said that pant sets were one of the programs that they were especially interested in but they will not buy them without seeing samples. Fion has told me that I will have all of the boy pant set samples but the girls will not be sent until 1/31. This is too late. The appointment is on 1/28 and she is flying across the country to meet Costco in New York.

Rescheduling the appointment is not an option.  
Sam, I would hate for all of us to lose this business. Please see if there is a way that you can push your factories to get me the girl pant set samples. I need to have them here by 1/25 at the latest in order to get them to the sales rep for this appointment.

Urgently need your help here. If we could get this program placed with Costco it would be fabulous for Heyman and Sammart.

Please advise what you can do.

Thanks & Best Regards,  
Judy

Judith Malamud  
Product Manager  
Heyman Corporation  
Phone (847) 573 6094  
Fax (847) 247 8900  
judith@heymancorp.com